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Date: June 26, 2003

Alice Sutanandi

PATENT  
216019-67

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: BARLOW et al.

Art Unit:

Serial No.: 10/069,025

Filed: February 19, 2002

Examiner:

Title: Gene Expression Modulated In Ataxia  
Telangiectasia Tumorigenesis

REQUEST FOR PERMISSION TO WITHDRAW AS  
ATTORNEY OF RECORD (37 C.F.R. § 10.40(c))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney, on behalf of himself and the other attorneys of record, who are members or associates in the firm of O'MELVENY & MYERS LLP, or who were so listed at the time of their appointment, and on behalf of any attorneys appointed by any of the attorneys on whose behalf this petition is filed, requests the approval of the Commissioner to withdraw as attorneys of record.

The attorneys on whose behalf this request to withdraw is filed include:

BERLINER, Brian M., Registration No. 34,549  
AJALAT, Christiana M., Registration No. 50,956  
DALKE, David, Registration No. 40,980  
FITZSIMMONS, Todd E., Registration No. 44,683  
HSUEH, Peter C., Registration No. 45,574  
JAECH, Jonathan A., Registration No. 41,091  
MILLER, Mark E., Registration No. 31,401  
SCHRADER, Scott A., Registration No. 47,928  
YAGURA, Ryan K., Registration No. 47,191

The present mailing address of the attorneys of record is:

O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071-2899

This application has been assigned by the Applicants to Digital Gene Technologies, Inc. The present mailing address of the Assignee is:

DIGITAL GENE TECHNOLOGIES, INC.  
11149 North Torrey Pines Road  
Suite 110  
La Jolla, CA 92037

Items pertinent to the request for withdrawal are set forth below.

1. Basis For Withdrawal Request. The basis for the request for withdrawal is 37 C.F.R. 10.40(c)(5), the practitioner's client knowingly and freely assents to termination of the employment.
2. Notification Of Client: In accordance with 37 C.F.R. § 10.40(a), copies of this request are being sent to the Applicant.

At least thirty (30) days remain for the Applicant to take any action due in this case or an appropriate request for extension of time accompanies this request seeking additional time. The attorneys on whose behalf this petition is filed will ensure that the Applicant has sufficient time after approval of this request to reply or employ another to reply to any outstanding requirement of the U.S. Patent and Trademark Office.

3. Number Of Copies Of Request. This request is enclosed in triplicate

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Further communications regarding this application should be directed to the Assignee at the following address:

Robert Sutcliffe, Esq.  
DIGITAL GENE TECHNOLOGIES, INC.  
11149 North Torrey Pines Road  
Suite 110  
La Jolla, CA 92037

Signature of the authorized attorney on behalf of himself and the other attorneys of record of the withdrawing firm, O'Melveny & Myers LLP.

Respectfully submitted,



Date: June 26, 2003

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Brian M. Berliner  
Authorized Attorney  
Registration No. 34,549

**O'MELVENY & MYERS LLP**  
400 South Hope Street  
Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000

cc: Robert Sutcliffe, Esq.  
Digital Gene Technologies, Inc.